

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

SUITS – Land Acquisition –PJP –GADWAL -Mahabubnagar District – Atmakur (Mandal) Nandimalla (Village) – O.P.No.213/97 – Sanction of decretal charges of Rs.4,39,960/- - Orders – Issued.

IRRIGATION & CAD (PW.LA.III.A2) DEPARTMENT

G.O.RT.NO. 202

DATE:18.03.2009

Read:

From the Spl.Collector, Bheema Project, Mahabubnagar Lr.No.E/PJP/
130/2004, dated:10.02.2009.

O R D E R:

The Special Chief Secretary to Government and Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad has informed that the Special Collector, LA, Bheema Project, Mahabubnagar District has submitted the proposals for sanction of final payment of decretal charges in respect of O.P.No.213/97 pertaining to Nandimalla (V) Atmakur (M) of Mahabubnagar District. The then Special Dy.Collector, LA, PJP, Gadwal had acquired the land to an extent of Acs.70-33 gts situated at Nandimalla (V) Atmakur (M) Mahabubnagar District by fixing the land value @Rs.3,000/- for Cat-I (Dry lands) and @Rs.4,500/- for Cat-II (Wet lands) per acre vide Award No.4/1984, dt:18.02.994 for the purpose of Escavation of Left Main Canal. The awardees have filed their petitions U/s.18 of the L.A.Act. The Sr.Civil Judge, Wanaparthi has enhanced the market value fixed by the LAO from Rs.3,000/- & Rs.4,500/- to Rs.12,000/- per acre. The SDC, PJP, Gadwal has filed appeal in the Hon'ble High Court of A.P, Hyderabad. The Spl.Officer for Advocate on Records, Supreme Court of India, New Delhi while sending copy of Hon'ble S.C of India, new Delhi order dt:12.10.07 in CC No.9871-9876/2007 against the orders of the Hon'ble H.C of A.P, dt:27.0906 in A.S.No.661-666/2006 and informed that the Special Leave Petitions are dismissed. Accordingly, an amount of Rs.25,06,697/- was sanctioned and deposited in the Court of Sr.Civil Judge, Gadwal in respect of O.P.No.213/97 & batch of (6) cases only. In the meantime, the Advocate on Records for Supreme Court of India, New Delhi has informed that, at the time of drafting the SLP, it is found that the judgment of LA A.S No.93/07, the Hon'ble Court relief on its own judgment of AS 661/06 an batch and dismissed the present case confirming the enhancement made by the Lower Court. After verification with the Supreme Court Registry, it is found that preferred appeals as SLPs against the orders in A.S.No.661-666/06 in the year 2007 and the same were dismissed by the Honble Supreme Court of after condoning the delay in SLP CC 9871-9876/07 on 12.10.07 and it is advisable not to file appeal in the present case as it is already decided by the Supreme Court of India.

2) After careful examination of the matter, Government hereby accord sanction for an amount of **Rs.4,39,960/- (Rupees Four lakhs thirty nine thousand nine hundred and sixty only)** in respect of O.P.No.213/97 pertaining to Nandimalla (V) Atmakur (M) of Mahabubnagar District subject to verification whether the reference under section.18 (1) of the L.A.Act is made to the Lower Court after following all the guidelines/directions on the subject and in case it is detected that Sec.18 reference was made contrary to the rules/guidelines issued by the Govt/Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the Chief Engineer as to the extent of land acquired. Further, the Special Collector should verify

(PTO)

the calculations made by the Land Acquisition Officer once again thoroughly with reference to the decree and instructions issued by the Government/Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad on the subject from time to time duly deducting the Income Tax as per rules before depositing the amount in Lower court.

3) The expenditure sanctioned in para (2) above shall be debitable to following Head of Account under "4701- SMJH – 01- Major Irrigation – M.H.122 – Jurala Project G.H.11 NSP – SH (27) – Canals and Distributaries - 530 Major Works – 532 Lands (charged). In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

4) This order issues with the concurrence of Finance (Works&Projects) Department vide their U.O. No.4587/F2(2)/2009-1, dated 02.03.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS
SECRETARY TO GOVERNMENT

To
The Spl. Chief Secretary to Government & CCLA, A.P., Hyderabad.
The Special Collector, LA, Bheema Project, Mahabubnagar.
The Engineer-in-Chief, I&CAD, Erramanzil, Hyderabad.
The SDC, LA, PJP, Gadwal, Mahabubnagar.
The Director of Works Accounts, Hyderabad.
Copy to: P.S. to Minister (M& MI).
Finance (W&P) Department/File C.No.2967/LA.III(A2)/2009
SF/SCs.

//FORWARDED::BY ORDER//

SECTION OFFICER